

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES H. GORBHEY, JR., Administrator of the
ESTATE OF MARISSA ROSE FISHMAN,
deceased
Plaintiff,

Civil Action No.: 05cv211

V.

RICHARD LONGWILL,
and
BARBARA LONGWILL,
and
AIR BASE CARPET MART, INC.
D/B/A AIR BASE DISTRIBUTING,
INC. D/B/A AIR BASE CARPET MART
and
AIR BASE DISTRIBUTING, INC.
Defendants.

**CROSSCLAIMS OF AIR BASE CARPET MART, INC. d/b/a AIR BASE
DISTRIBUTING, INC. d/b/a AIR BASE CARPET MART AGAINST VINCENT RIZZO
AND ASHLAND CONSTRUCTION COMPANY, INC.**

CROSSCLAIMS AND/OR COUNTERCLAIMS FOR INDEMNITY/CONTRIBUTION

1. Answering defendants deny that they are liable to plaintiff in any respect.

However, in the event they are held liable to the plaintiff, then answering defendants crossclaim and/or counterclaim against Ashland Construction Company, Inc. and Vincent Rizzo, whose negligence was the primary cause of the damages sustained by the plaintiff and claims that answering defendants, if liable at all, are only secondarily liable. The answering defendants, therefore, are entitled to indemnification from Ashland Construction Company, Inc. and Vincent Rizzo.

2. In the event that answering defendants are held primarily liable to the plaintiff, then the alleged wrongful acts of Ashland Construction Company, Inc. and Vincent Rizzo are a contributing cause of the damages sustained by plaintiff and the answering defendants are

entitled to contribution in any amount which it may be required to pay the plaintiff as a result of Ashland Construction Company, Inc. and Vincent Rizzo's wrongful acts, based on the relative degrees of fault determined pursuant to the provisions of the Delaware Uniform Contribution Among Tortfeasors Law, 10 Del. C. § 6301 to § 6308.

WHEREFORE, Defendants, Air Base Carpet Mart, Inc. d/b/a Air Base Distributing, Inc. d/b/a Air Base Carpet Mart, respectfully requests this Honorable Court to enter judgment in its favor and against the Plaintiffs together with costs and fees.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Crossclaim was served upon the below-listed counsel of record this 25th day of May 2005, by electronic filing through the District Court:

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